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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/730,519

12/05/2000

Robert G. Harrison

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

12/19/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/730,519

Applicant(s)

HARRISON ET AL.

Examiner

Son P. Huynh

Art Unit

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-8, 10-19 and 22-24.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☒ Other: 852 attached

  
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Continuation of 3. NOTE: Amendments to claims such as "said appliance further having an Internet mode control for selecting the Internet mode of operation, said appliance having the capability of coming on in the Internet mode if, when the appliance is off, a user activates the Internet mode control; and said appliance further having a TV mode control for selecting the TV mode of operation, said appliance having the capability of coming on in the TV mode if, when the appliance is off, a user activates the TV mode control" in claims 1, 4" changes the scope of the claims and require further consideration and/or search.

Applicant argues the Examiner has cited no references nor provided support for the Official Notice taken in the rejection of claim 19 that selecting Internet mode when the device is off and the device has capability of coming on in the Internet mode is well known in the art (page 10, paragraph 4). To support the Official Notice taken for the rejection of claim 19, the Examiner provides U.S patent No. 6,466,981 discloses the user shut down a session to go to sleep and then start another session in the morning (when power up), the application server instructs the web server to return a welcome back page with current session status and usage information to the web browser (see abstract, lines 3-24, col. 2, lines 49-67, col. 4, lines 27-33, col. 8, lines 20-26). Thus, when the device is off (e.g. computer being shut down), selecting an Internet mode (power up again, or reset, or boot), and the device has capability of coming on in the Internet mode (return a welcome back page with current session status and usage information to the web browser). Furthermore, U.S patent No. 7,020,845 B1 (see col. 6, lines 35-45) or U.S patent No. 6,212,560 B1 (col. 9, lines 30-45) also supports the Official Notice taken by the Examiner that selecting an Internet mode when the device is off and the device has capability of coming on in the Internet mode is well known in the art.

In addition, Alexander discloses in EPG grid guide mode, the viewer can request that the Grid Guide occupy the entire screen (col. 7, lines 18-21); In the case where the EPG Grid Guide is the default mode, when the viewer turns the television on, the first thing that the viewer sees is the EPG in Grid Guide Mode. The Default mode is defined in the EPG set up procedure (col. 7, lines 1-17). Alexander further discloses the data displayed in EPG in Grid Guide Mode is received from Internet in Internet mode and directly link to Internet (col. 8, lines 20-50). Thus, it is obvious to one of ordinary skill in the art that Internet mode is selected when the device is off and the device has capability of coming on in the Internet mode (for example, the EPG Grid Guide is the default mode, when the viewer turns the television on, the first thing that the viewer sees is the EPG in Grid Guide mode, and therefore Internet mode is selected and the television is coming on in the Internet mode to provide data for display in EPG in Grid Guide of default mode; or the Internet mode is set as default mode based on set up procedure) so that the television is directly linked to the Internet so that the delay time for access the Internet is reduced.

For the reasons given above, rejections on claims 1-8,10-19, 22-24 are maintained as discussed in the Final Office Action dated 08/22/2006..